IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R. BASANT

THURSDAY, THE 23TH AUGUST 2007 / 1ST BHADRA 1929

CRL. M.C. NO. 2693 OF 2007

C.C. NO. 6/2004 of SPECIAL COURT FOR THE TRIAL OF CBI CASES-II, ERNAKULAM.

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PETITIONER/1st ACCUSED

K.S. ANIYAN,
FLAT NO. C9,
GCDA, HIG FLATS,
KARSHAKA ROAD,
COCHIN - 16.

BY ADV. SRI.S. RAJEEV

RESPONDENTS/COMPLAINANT

STATE OF KERALA,
REP. BY CENTRAL BUREAU OF INVESTIGATION,
(STANDING COUNSEL FOR CBI)

BY ADV. SRI. C.K. SURESH, PUBLIC PROSECUTOR

THIS CRL. M.C. HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2693 Of 2007

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Dated this the 23rd day of August, 2007

ORDER

The petitioner is an accused in a prosecution before the Special Court for the trial of CBI cases. He has engaged a counsel. The matter has been listed for trial, sufficiently earlier, it is submitted.

2. But before the trial commenced, another case before the Sessions Court of Alappuzha, a sensational murder trial also happened to be listed. The learned counsel for the petitioner appears for some of the accused in that case. In these circumstances, the counsel finds it difficult to appear in both the cases at the same time. The petitioner therefore moved the learned Special Judge for an adjournment of the case for the said very valid reasons. The learned Special Judge had turned down his prayer by Annexure 2 order.

3. The petitioner has run to this Court for issue of appropriate directions. I am afraid this Court cannot issue directions to the counsel as to which case he should appear is proper and in which he should not. It would not be proper to direct adjournment of trial only for the purpose of accommodating the concurrence of the learned counsel for the of the petitioner . The learned counsel for the petitioner should know better and take appropriate decisions as to

how best the extension must be arranged.

4. I shall not assume either court would not accept the request of the learned counsel for the petitioner for accommodation – not adjournment. If such request is reasonable, I direct adjournment of the trial before one court listed long earlier will not certainly justifiable. Many persons will be thereby inconvenienced. The learned counsel for the petitioner may certainly make appropriate arrangements.

5. I do not think it necessary that any directions ought to be issued by this Court in this regard. This writ petition is in these circumstances, dismissed. Needless to say, all courts must consider requests of the counsel for accommodation, if such request can really be accommodated reasonably.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE